

not just those who choose charter schools.

I encourage my colleagues to visit a charter school during National Charter Schools Week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the communities in which they reside.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 127

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than \$1,500,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the sixth annual National Charter Schools Week, to be held May 1 through 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

*Resolved, That—*

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the sixth annual National Charter Schools Week; and

(3) it is the sense of the Senate that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 55, 56, 60, 64, 65, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF AGRICULTURE

Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture.

#### DEPARTMENT OF STATE

Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.

#### ENVIRONMENTAL PROTECTION AGENCY

Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

#### MISSISSIPPI RIVER COMMISSION

Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission.

Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### COAST GUARD

PN304 COAST GUARD nominations (2) beginning Curtis L. Sumrok, and ending Jed R. Boba, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN305 COAST GUARD nominations (292) beginning Michael T. Cunningham, and ending David K. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN390 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations

(15) beginning Paul Andrew Kunicki, and ending Lindsey M. Vandenberg, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### ORDERS FOR THURSDAY, APRIL 28, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, April 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 3, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. McCONNELL. Tomorrow, following morning business, the Senate will resume consideration of the highway bill. We will continue the amending process, and the chairman and ranking member will work through amendments as they are offered throughout the day. Rollcall votes are expected in relation to those amendments. On behalf of the majority leader, I encourage Senators who wish to offer amendments to the bill to contact the bill managers as soon as possible.

In addition to the highway bill, we will also act on a budget reconciliation conference report, should it become available. The Senate may also act on any nominations available for floor consideration.

Just moments ago, I filed two cloture motions with respect to two Cabinet-level nominations. These votes will occur on Friday of this week, unless some other agreement is reached prior to that time. Therefore, Senators should expect a busy day tomorrow and Friday, with rollcall votes possible throughout as we complete our work prior to the recess.

### ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator CARPER and the remarks of the distinguished Democratic leader, who is on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

#### RULE CHANGES

Mr. REID. Mr. President, today the American people have spoken, and they have spoken very firmly. It should be a day of celebration in the United States Capitol. A few hours ago, we saw responsible Republican leaders in the House of Representatives come together to do the right thing by abandoning the attempt to change the ethics rules. We will await the final outcome but I am told it has all been done, that they will have to go to the House floor and approve changing the rules back from where they are now to where they need to be—that is, the way they used to be. The American people are very perceptive. They can tell when something is going on that simply is not fair. What we had in the House of Representatives is one of the leaders, with the abuse of power that takes place so often around here, took himself out of the criticism that he was receiving from the Ethics Committee. He was reprimanded on three separate occasions within 1 year but he did not have to worry about any more censures or reprimands because they simply changed the rules.

That is where the American people came in. They know that the rules cannot be changed in the middle of the game. Today, the Republicans in the House heard that message.

As this Chamber wrestles with its own possible rule change in the next few weeks, I urge my Republican colleagues to pay attention to how the American people feel about what is being attempted. It does not matter how many times one comes to the Senate floor and says there has not been a filibuster on a judge ever before, it is simply not true, underlined and underscored.

I note the tone has been different, and I am happy about that. My distinguished friend, the Senator from Utah, came to the floor today and said there has not been a filibuster of a judge that has come to the floor. Well, that still is not true but it is better than what he said before. What he was saying, in the language we understand in Congress, is the Republicans in the Judiciary Committee turned down 69 judges that President Clinton wanted. They did not come to the floor. They did not come to the committee. Senator HATCH is right, they certainly did not get a floor vote.

Also, we keep hearing we have to have up-or-down votes on judicial nominations. I was somewhat amazed yesterday by what people from the other side of the aisle said, that we are going to allow filibusters on other nominations that come from the President. Now, let us see what logic there is here. On a lifetime appointment, that is a judge who becomes a district court judge or a circuit court judge,

they can be appointed at age 35 and serve for the next 40 years, and we cannot use our advise and consent that we have as Senators? But if someone is going to serve for a few months or a few years, as other nominations, then we can talk as long as we want, our ability to speak is not taken away there?

If we look at this, there might be something more there than meets the eye. The American people are not interested in seeing us fight about the rules or pursuing partisan goals. That is why this body has to come together and worked out this issue. We need to take on issues the American people wrestle with every day. Whether it is in Chicago; Oklahoma City; Reno; Pittsburgh; Dover, DE, wherever it is, the people in those communities are interested in health care—as a subset, prescription drugs—and they certainly are interested in gas prices. As I have said on the floor the last few days, Nevada is paying \$2.65 a gallon. If you have a small car it is \$30.

Veterans—we need to take care of veterans, better than what I see in this budget. The American people want us to talk about this.

They want us to talk about education.

They also want us to see that the checks and balances created by our Founding Fathers are not trampled on, this provision of the Constitution. I hope we are not heading down that road with the nuclear option, which turns the Senate into a rubber stamp, which destroys the checks and balances. As I said in the past, I will do everything within my power to avoid that option and today gives me hope we can avoid that.

The American people did not like what they saw with the abuse of power in the House of Representatives. What did they do? They spoke out loudly. As a result, the Speaker and others in the House of Representatives said we are no longer going to protect one of our own, because it is an abuse of power, and we are going to go back to the rules the way they used to be. That is a victory for the American people. I hope we can accomplish the same here today.

As I said yesterday, it would be a great visual if Senator FRIST and I could walk down this aisle—he stands here, I stand here—and say we have got a deal for the American people.

There is so much work to do, we should not be fighting over these rules. If the Republicans insist on putting politics ahead of the American people, we are going to make sure the Senate works for the American people.

Mr. DURBIN. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to yield to my friend.

Mr. DURBIN. I would say I followed his remarks closely. If I understand what has just happened in the House of Representatives, or is about to happen, it is that they decided the changes in

the ethics rules which were promulgated to protect perhaps one Member or two Members from close scrutiny, in terms of their conduct, are now going to be changed. I think, if I am not mistaken, this will be the second time in the last few months—in recent times, that the Republican leadership in the House of Representatives has changed the ethics rules and then, after public response, came back and restored the ethics rules.

Is this not similar to a situation we are facing on the Senate side, where there are at least some who are talking about the nuclear option, a term that Senator LOTT came up with, that would change the rules of the Senate in the middle of our session, rules that have been in place for almost 200 years?

Mr. REID. I would answer to my friend, not only is there a suggestion about changing the rules, but they are going to do it by breaking the rules. To change a rule here in the Senate takes a simple majority. But if somebody wants to speak in an extensive manner relating to that rule change, you have to break a filibuster. They are not willing to do that. They are going to use brute force and break the rules to change the rules. That is what they are talking about.

So even though what went on in the House of Representatives is bad, what is contemplated here is even worse than that.

Mr. DURBIN. I ask the Senator from Nevada if he will yield for an additional question through the Chair. I would like to ask the Senator, is it not true that the Democrats, in the minority in the House of Representatives, stood together and argued that the integrity of the House of Representatives was at stake because of these changes in ethics rules to favor one Republican leader, or perhaps two, and that by standing together and appealing to the Nation, that they were successful, and now the Republican leadership in the House of Representatives has announced they are going to restore the original ethics rules?

Mr. REID. I say in answer to my friend, I applaud, I commend the Speaker of the House of Representatives from the State of Illinois for realizing that what had gone on was wrong, and it is being changed as we speak. So the Speaker got the message loudly and clearly from the American people.

Mr. DURBIN. I would also ask the Senator from Nevada through the Chair, is it not also true that as we have started talking to the American people about the so-called nuclear option, the term that Senator TRENT LOTT came up with, as we have talked to the people about the nuclear option across the country, is it not true there has been an incredible reaction? I would say to the Senator from Nevada, many of us believed this was an arcane debate that most people wouldn't follow. But we are finding that overwhelmingly the people across America share the view of the Democrats on